

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC.,

Defendant.

**Consolidated Civil Action No. 6:12-
CV-499-LED**

JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO DEFENDANT 3M COGENT’S
FIRST AMENDED COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the First Amended Counterclaims of Defendant 3M Cogent, Inc. (“3M Cogent” or “Defendant”) (Dkt. No. 1468) as follows. All allegations not expressly admitted or responded to by Blue Spike, LLC are denied.

COUNTERCLAIMS

1. Blue Spike, LLC is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies them.
2. Blue Spike, LLC admits the allegations of Paragraph 2.
3. Blue Spike, LLC admits the allegations of Paragraph 3.
4. Blue Spike, LLC admits the allegations of Paragraph 4.
5. Blue Spike, LLC admits that it has consented to venue in this District, but denies the remaining allegations of Paragraph 5 to the extent they allege that personal jurisdiction and venue are not proper in this District.

COUNT I
(Declaratory Judgment of Non-Infringement of the '472 Patent)

6. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-5.

7. Blue Spike, LLC denies the allegations of Paragraph 7.
8. Blue Spike, LLC admits the allegations of Paragraph 8.
9. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 9.

COUNT II
(Declaratory Judgment of Invalidity of the ‘472 Patent)

10. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-9.
11. Blue Spike, LLC denies the allegations of Paragraph 11.
12. Blue Spike, LLC admits the allegations of Paragraph 12.
13. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 13.

COUNT III
(Declaratory Judgment of Non-Infringement of the ‘700 Patent)

14. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-13.
15. Blue Spike, LLC denies the allegations of Paragraph 15.
16. Blue Spike, LLC admits the allegations of Paragraph 16.
17. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 17.

COUNT IV
(Declaratory Judgment of Invalidity of the ‘700 Patent)

18. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-17.
19. Blue Spike, LLC denies the allegations of Paragraph 19.
20. Blue Spike, LLC admits the allegations of Paragraph 20.
21. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 21.

COUNT V
(Declaratory Judgment of Non-Infringement of the '494 Patent)

- 22. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-21.
- 23. Blue Spike, LLC denies the allegations of Paragraph 23.
- 24. Blue Spike, LLC admits the allegations of Paragraph 24.
- 25. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 25.

COUNT VI
(Declaratory Judgment of Invalidity of the '494 Patent)

- 26. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-25.
- 27. Blue Spike, LLC denies the allegations of Paragraph 27.
- 28. Blue Spike, LLC admits the allegations of Paragraph 28.
- 29. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 29.

COUNT VII
(Declaratory Judgment of Non-Infringement of the '175 Patent)

- 30. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-29.
- 31. Blue Spike, LLC denies the allegations of Paragraph 31.
- 32. Blue Spike, LLC admits the allegations of Paragraph 32.
- 33. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 33.

COUNT VIII
(Declaratory Judgment of Invalidity of the '175 Patent)

- 34. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-33.

- 35. Blue Spike, LLC denies the allegations of Paragraph 35.
- 36. Blue Spike, LLC admits the allegations of Paragraph 36.
- 37. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 37.

EXCEPTIONAL CASE

- 38. Blue Spike, LLC denies that Defendant is entitled to the relief it seeks in Paragraph 38.

PRAYER FOR RELIEF

Blue Spike, LLC denies that Defendant is entitled to any of the relief it requests.

**REQUEST FOR RELIEF
PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's First Amended Complaint, Blue Spike, LLC respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike, LLC its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Blue Spike, LLC as the Court may deem just and proper.

Respectfully Submitted,

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Counsel for Blue Spike LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser